

### **REMARKS/ARGUMENTS**

1. Provisional rejection of claims 1-24 under obviousness-type double patenting:

5           Claims 1-24 are provisionally rejected under obviousness-type double patenting as being unpatentable over claims 1-22 of US Patent 7,177,425.

**Response:**

10           Each of the independent claims 1, 12, and 20 of the instant application specify the use of an inerasable memory capable of storing a deciphering key in a non-volatile way. Through the use of the inerasable memory, the deciphering key in the mobile phone cannot be altered or erased, thereby preventing unauthorized use of a phone network with the mobile phone.

15           On the other hand, the patent 7,177,425 does not teach the use of an inerasable memory for storing deciphering keys. Therefore, users can alter the keys, thereby potentially giving users unauthorized access to a communications network. Since the patent 7,177,425 does not claim the inerasable memory, does not teach all of the claimed limitations, or suggest a reason for using an  
20           inerasable memory for storing deciphering keys, the applicant respectfully submits that the double patenting rejection is not proper. As a result, reconsideration of claims 1-24 is respectfully requested.

2. Rejection of claims 1-24 under 35 U.S.C. 102(f):

25           Claims 1-24 are rejected under 35 U.S.C. 102(f) since the applicant did not invent the claimed subject matter. See Double Patenting rejection above.

**Response:**

As explained above, since the patent 7,177,425 does not teach all of the

claimed limitations or suggest a reason for using an inerasable memory for storing deciphering keys, the applicant respectfully submits that claims 1-24 of the instant application are patentable over the patent 7,177,425. As a result, reconsideration of claims 1-24 is respectfully requested.

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3. Rejection of claims 1-24 under 35 U.S.C. 102(e):

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Kirsch et al. (US 2005/0120225).

10 **Response:**

Independent claims 1, 12, and 20 of the instant application specify the use of an inerasable memory capable of storing a deciphering key in a non-volatile way.

15 On the other hand, Kirsch teaches in paragraph [0034] that module memory 52 is sub-divided into a read-only region 54 and a writable region 56. Kirsch goes on to say in paragraph [0035] (and illustrate in Figure 1) that cryptographic functions 58 are stored in the read-only region 54 of the module memory 52, and key data 60 and configuration data 62 are stored in the writable region 56.

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Finally, Kirsch specifies in paragraph [0036] that “The cryptographic functions 58 include an encrypting function 64, a decrypting function 66 and a key generating function 68. The key data 60 is divided into a public key 70 and a private key 72.”

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Therefore, Kirsch teaches that the deciphering keys are stored in the writable region 56 of the module memory 52, and not in the read-only region 54. Thus, Kirsch does not teach that deciphering keys are stored in an inerasable memory of the communication device in a non-volatile way, as is recited in the independent claims 1, 12, and 20 of the instant application. For these reasons, the

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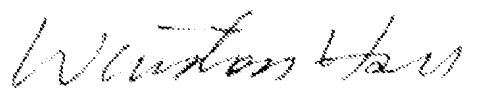
applicant submits that claims 1, 12, and 20 are each patentable over Kirsch.

Furthermore, claims 2-11, 13-19, and 21-24 are dependent on claims 1, 12, and 20, and should be allowed if their respective base claims are allowed.

5 Reconsideration of claims 124 is therefore respectfully requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

10 Sincerely yours,



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Note: Please leave a message in my voice mail if you need to talk to me. (The time in  
20 D.C. is 13 hours behind the Taiwan time, i.e. 9 AM in D.C. = 10 PM in Taiwan.)